

Appendix A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_  
DIVISION

United States District Court  
Southern District of Texas  
FILED

JUL 28 2008

Michael N. Milby, Clerk

Maria Lewis-Sterling

versus

Christus Santa Rosa  
HomeCare

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CIVIL ACTION NO. \_\_\_\_\_

**H-08-2335**

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section § 2000e-5.

2. The Plaintiff is: Maria Lewis-Sterling

Address: 10727 Hilscholt Ave.  
Irma, TX 77096

County of Residence: Harris

3. The defendant is: Christus Santa Rosa HomeCare

Address: 601 Sawyer St. #750  
Irma, TX 77077-7526

☐ Check here if there are additional defendants. List them on a separate sheet of paper with their complete address.

4. The plaintiff has attached to this complaint a copy of the charges filed on 3-8-07 with the Equal Opportunity Commission.

5. On the date of 5-1-08, the plaintiff received a Notice of Right to Sue

letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) ☒ race
- (b) ☐ color
- (c) ☐ sex
- (d) ☐ religion
- (e) ☐ national origin,

the defendant has:

- (a) ☐ failed to employ the plaintiff
- (b) ☒ terminated the plaintiff's employment
- (c) ☐ failed to promote the plaintiff
- (d) ☒ other: Discriminated as only full-time RN @

(Fired) African American.  
the time 2/07. Retaliated After I went to  
file a complaint with EEOC. Treated differently  
from other staff Nurses.

7. When and how the defendant has discriminated against the plaintiff:

2/1/07 - Refused to allow Accommodations to continue  
working as promised, during Breast Cancer treatment to continue  
health insurance. Not allow to work 2nd job to  
accommodate medical expenses + hospital tests + treatment  
As other Nurses + Staff  
have always been allow  
the right to do.

8. The plaintiff requests that the defendant be ordered:

- (a) ☐ to stop discriminating against the plaintiff
- (b) ☐ to employ the plaintiff
- (c) ☐ to re-employ the plaintiff
- (d) ☐ to promote the plaintiff

5/1/07 - 5/1/08 / 5/2/08 - 8/2/08

X 15 months

(e)

X

to

- Pay for lost wages. Terminated on 5-1-07  
- Pain + Suffering during Cancer treatment.

and that;

(f)

X

the Court grant other relief, including injunctions, damages, costs and attorney's fees.

Maria Jones-Sy  
(Signature of Plaintiff)

Address:

10727 Billings

10th Dr 77096

Telephone:

832-496-0443

Appendix B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

Maria Laura Sterling

versus

Christus Santa Rosa  
HomeCare

§  
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CIVIL ACTION NO. \_\_\_\_\_

ORIGINAL COMPLAINT

On 1/07 I requested info on whether my position as a full-time RN on a Grant Program, would continue throughout 2007, As I was having Breast Cancer treatment. This information could not be conferred. I informed my Director that I would be seeking Additional employment to pay for my medical expenses + secure employment, should the Grant end. My Supervisor, Gay Christ, who had a history of discriminating, began to harass + treat me in a manner, unfounded, since my flawless employment @ Christus VNA which began on 8-2006.

On 3-8-07, I met with the CEO + complained about the unfair treatment, I felt was based on my disability during my medical treatment my race + gave them my notice of complaint filed with EEOC on the same date 3-8-07.

From 3-8-07 thru 5-1-07 (my last date employed), I was treated differently, unprofessionally + harassed unnecessarily. After I took my complaint to HR, CEO + HR corporate office, I was offered to stay until 6-30-08 until I could secure benefits on my new job. This agreement was formulated on 5-1-07.

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

460-2007-02713

**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Home Phone No. (Incl Area Code)

Date of Birth

(713) 726-8071

09-23-1957

Ms. Maria Lewis-Sterling

City, State and ZIP Code

Street Address

Houston, TX 77096

10727 Hillcroft Ave.

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

No. Employees, Members

Phone No. (Include Area Code)

CHRISTUS VISITING NURSE ASSOC.

101 - 200

(713) 520-8115

City, State and ZIP Code

Street Address

Houston, TX 77007

601 Sawyer, Suite 750

No. Employees, Members

Phone No. (Include Area Code)

Name

City, State and ZIP Code

Street Address

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

02-01-2007

02-01-2007

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On or about February 1, 2007, I requested that I be allowed to continue to work my flexible work schedule as a Field Nurse (RN), in order to secure a second job and maintain my health insurance benefits. Even though I have worked a flexible schedule since August 2005, my request was denied. To my knowledge, I am the only Black full-time field nurse and there are other field nurses who are allowed to work flexible schedules and maintain second jobs.
- II. Kay Mitchell, Director of Private Duty Services, told me that my manager, Gay Christ, informed her that no one knew what my schedule and daily assignments were (even though this is called in to the PDS department scheduler daily). Ms. Mitchell told me that she needed me to be available to work from 8:00-5:00 p.m., Mon-Fri, and she questioned whether I could do both jobs because of my history of breast cancer.
- III. I believe that I have been discriminated against because of my race, Black, regarded as being disabled, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

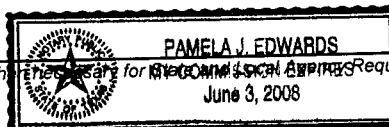
I declare under penalty of perjury that the above is true and correct.

3-8-07

Date

Maria Lewis-Sterling  
Charging Party Signature

NOTARY - When the State Seal is for Notary Public Requirements



I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

3/8/07

Pamela J. Edwards  
Notary Public

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Maria Lewis-Sterling**  
**10727 Hillcroft Ave.**  
**Houston, TX 77096**

From: **San Antonio Field Office**  
**5410 Fredericksburg Rd**  
**Suite 200**  
**San Antonio, TX 78229**

☐

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**460-2007-02713**

**Jaime Valdez,**  
**State & Local Coordinator**

**(210) 281-7661****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

**Pedro Esquivel,**  
**Director**

**April 28, 2008**  
 (Date Mailed)

cc: **CHRISTUS VISITING NURSE**  
**c/o: Sherry Mc Kinney**  
**Human Resources Director**  
**601 Sawyer, Suite 750**  
**Houston, TX 77077-7526**

\* 11 days

\* 4/25/08



### DISMISSAL AND NOTICE OF RIGHT TO FILE A CIVIL ACTION

TO: Ms. Maria Lewis-Sterling 10727 Hillcroft Ave Houston Texas 77096	FROM: TWC, Civil Rights Division P. O. Box 13006 Austin, TX 78711-3006	
TWCCRD Charge No. 2A70886	EEOC Charge No. 460-2007-02713	TWCCRD Representative <b>Veronica J. Garcia</b>

#### THE TWCCRD IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

<input type="checkbox"/>	The facts alleged in the charge fail to state a claim under any of the statutes enforced by the TWCCRD.
<input type="checkbox"/>	Your allegations did not involve a disability that is covered by the Americans with Disabilities Act or the Texas Commission on Human Rights Act.
<input type="checkbox"/>	The Respondent employs less than the required number of employees or not otherwise covered by the statutes.
<input type="checkbox"/>	We cannot investigate your charge because it was not filed within the time limits required by law.
<input type="checkbox"/>	Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
<input type="checkbox"/>	While reasonable efforts were made to locate you, we were not able to do so.
<input type="checkbox"/>	You had 30 days to accept a reasonable settlement offer that afforded full relief for the harm you alleged. You failed to accept the full relief.
<input checked="" type="checkbox"/>	<b>The TWCCRD issues the following determination: Based upon its investigation, the TWCCRD is unable to conclude that the information obtained establishes any violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.</b>
<input type="checkbox"/>	Other (briefly state):.

### NOTICE OF RIGHT TO FILE A CIVIL ACTION

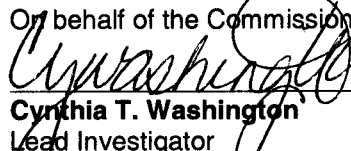
Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** (The time limit for filing suit based on a federal claim may be different.)

### EEOC REVIEW NOTICE

AS YOUR CHARGE WAS DUAL FILED UNDER TITLE VII OF THE CIVIL RIGHTS ACT/AGE DISCRIMINATION IN EMPLOYMENT ACT/AMERICANS WITH DISABILITIES ACT, WHICH ARE ENFORCED BY THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), YOU HAVE THE RIGHT TO REQUEST EEOC REVIEW OF THIS FINAL DECISION ON YOUR CASE. TO SECURE A REVIEW, YOU MUST REQUEST IT IN WRITING WITHIN FIFTEEN (15) DAYS OF THE RECEIPT OF THIS NOTICE. YOUR REQUEST SHOULD BE SENT TO THE U.S. EQUAL OPPORTUNITY COMMISSION OFFICE AS APPROPRIATE.

**[ X ] SAN ANTONIO EEOC**  
**5410 FREDERICKSBURG RD, STE. 200**  
**MOCKINGBIRD PLAZA, PLAZA II**  
**SAN ANTONIO, TX 78229**

Cc: Sherry McKinney  
 Human Resources Manager  
 Christus, VNA  
 601 Sawyer, Suite 750  
 Houston Texas 77007-7526

On behalf of the Commission  
  
**Cynthia T. Washington**  
 Lead Investigator

  
 DATE